

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, FEBRUARY 11, 2003

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

THIRTIETH CALENDAR DAY
EIGHTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 11, 2003

The Senate met in regular session at 8:30 a.m., President Pro Tempore Angelo presiding.

Prayer was offered by the Reverend John De Boef, pastor of the Hilltop Chapel in What Cheer, Iowa. He was the guest of Senator Schuerer and the brother-in-law of Representative Betty De Boef.

The Journal of Monday, February 10, 2003, was approved.

The Senate stood at ease at 8:35 a.m. until the fall of the gavel.

The Senate resumed session at 8:45, President Pro Tempore Angelo presiding.

SPECIAL GUESTS

In celebration of The World Food Prize's "Day at the Capitol," Senator Iverson introduced to the Senate chamber Nobel Peace Prize Laureate Dr. Norman E. Borlaug. Accompanying Dr. Borlaug were Mr. John Ruan III, Chairman of The World Food Prize Foundation; Ambassador Kenneth Quinn, President of The World Food Prize Foundation; and Council of Advisors members Mr. Al Clausi, Dr. Robert Havener, and Mr. Michael Gartner. Also present were seven 2002 Borlaug-Ruan international interns who served in agricultural research centers in Malaysia, Trinidad, Mexico, Brazil, China, the Philippines, and Kenya.

The Senate rose and expressed its welcome.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:50 a.m. until 8:30 a.m. Wednesday, February 12, 2003.

APPENDIX

APPOINTMENTS TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on February 11, 2003, to investigate the appointment and reappointment of the following appointees:

AGRICULTURE

As a member of the State Soil Conservation Committee:

TODD SCOTT – Hosch, Chair; Angelo and Fraise

BUSINESS AND LABOR RELATIONS

As a member of the Public Employment Relations Board:

NEIL BARRICK – Johnson, Chair; Dearden and Wieck

ECONOMIC GROWTH

As members of the Iowa Capital Investment Board:

EUGENE BLANSHAN – Shull, Chair; Beall and McKinley
BURT CHOJNOWSKI – Putney, Chair; Larson and Ragan
CAROL GARRETT – Veenstra, Chair; Rehberg and Stewart
CYRIL MANDELBAUM – Larson, Chair; Hatch and Shull
GORDON NEUMANN – McKinley, Chair; Dotzler and Rehberg

As Director of the Department of Economic Development:

MICHAEL BLOUIN – Boettger, Chair; Hatch and Seymour

EDUCATION

As a member of the State Board of Regents:

NEALA ARNOLD – Brunkhorst, Chair; Kreiman and Redfern

HUMAN RESOURCES

As members of the Child Advocacy Board:

CHRISTINE BOYKEN – Hatch, Chair; Holveck and Seymour
BRIAN MICHAELSON – Hatch, Chair; Holveck and Seymour

As a member of the Healthy and Well Kids in Iowa (HAWK-I) Board:

JAMES YEAST – Boettger, Chair; Behn and Seymour

As Director of the Department of Human Rights:

RUTH WHITE – Kreiman, Chair; Horn and McKinley

As members of the Mental Health and Developmental Disabilities Commission:

CATHY ANDERSON – Hosch, Chair; Holveck and Tinsman
MICHAEL BERGAN – Hosch, Chair; Holveck and Tinsman
LYNN FERRELL – Horn, Chair; Kreiman and Tinsman
RUSSELL FINKEN – Horn, Chair; Kreiman and Tinsman
WILLIAM GORMAN – Holveck, Chair; Horn and Hosch
JON GRATE – Holveck, Chair; Horn and Hosch
JANE HALLIBURTON – Schuerer, Chair; Kreiman and Tinsman
MARY HUGHES – Schuerer, Chair; Kreiman and Tinsman
JULIE JETTER – Ragan, Chair; Hatch and Holveck
LINDA KELLEN – Ragan, Chair; Hatch and Holveck
JACQUELINE KIBBIE-WILLIAMS – Boettger, Chair; Hatch and Veenstra
LANNIE MILLER – Kreiman, Chair; Behn and Ragan
LORI REYNOLDS – Kreiman, Chair; Behn and Ragan
BRIAN RIDLER – McKinley, Chair; Holveck and Hosch
RONALD WALLS – McKinley, Chair; Holveck and Hosch
KITTY WESTON-KNAUER – McKinley, Chair; Horn and Schuerer

JUDICIARY

As a member of the Iowa State Civil Rights Commission:

FREDERICK MORAIN – Boettger, Chair; Quirnbach and Tinsman

As Drug Policy Coordinator:

MARVIN VAN HAAFTEN – Miller, Chair; Kreiman and Putney

As a member of the Drug Policy Advisory Council:

TERRY SWEENEY – Holveck, Chair; Lamberti and McKibben

As a member of the Board of Parole:

BARBARA BINNIE – Lamberti, Chair; Holveck and Larson

LOCAL GOVERNMENT

As members of the Iowa Lewis and Clark Bicentennial Commission:

WYNEMA MORRIS – Houser, Chair; Quirnbach and Wieck
MICHELE WALKER – Angelo, Chair; Hatch and Seymour

NATURAL RESOURCES AND ENVIRONMENT

As a member of the Environmental Protection Commission:

JERRY PECKUMN – Kettering, Chair; Seng and Wieck

STATE GOVERNMENT

As a member of the Accountancy Examining Board:

RICHARD JOHNSON – Lamberti, Chair; Kibbie and Sievers

As a member of the Commission on the Status of African-Americans:

JAMIE HOWARD – Tinsman, Chair; Black and Drake

As a member of the Engineering and Land Surveying Examining Board:

LYLE TeKIPPE – Zieman, Chair; Connolly and Johnson

As a member of the IowAccess Advisory Council:

SHEILA CASTANEDA – Connolly, Chair; Tinsman and Veenstra

As a member of the Lottery Board:

ELAINE BAXTER – Courtney, Chair; Schuerer and Shull

As a member of the Board of Massage Therapy Examiners:

CARLA ESHELMAN – Johnson, Chair; Ragan and Sievers

As a member of the Board of Physical and Occupational Therapy Examiners:

HELEN McNURLEN – Schuerer, Chair; Black and Tinsman

As a member of the Board of Podiatry Examiners:

PATSY HASTINGS – Ragan, Chair; Lamberti and Zieman

As members of the State Racing and Gaming Commission:

KATHRYNE CUTLER – Black, Chair; Drake and Schuerer
JOYCE JARDING – Dearden, Chair; Shull and Veenstra

As a member of the Real Estate Appraiser Examining Board:

BARBARA LEESTAMPER – Kibbie, Chair; Lamberti and Tinsman

As a member of the Real Estate Commission:

JAMES O'NEILL – Sievers, Chair; Johnson and Ragan

As members of the Board of Speech Pathology and Audiology Examiners:

JEANNETTE ADAMSKI – Ragan, Chair; Drake and Shull

BECKY VILDA – Drake, Chair; Dearden and Sievers

As Director of the Office for State-Federal Relations:

JOHN CACCIATORE – Veenstra, Chair; Kibbie and Schuerer

As Commandant of the Iowa Veterans Home:

BYRON COGHLAN – Drake, Chair; Kibbie and Shull

As members of the Iowa Board of Veterinary Medicine:

ANNE DUFFY – Sievers, Chair; Ragan and Veenstra

ELLEN KROC – Johnson, Chair; Black and Sievers

WAYS AND MEANS

As Director of Revenue and Finance:

MICHAEL RALSTON – McKibben, Chair; Bolcom and Shull

As a member of the State Board of Tax Review:

DAVID ERICKSON – McKinley, Chair; Connolly and Lamberti

COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

February 11, 2003

ALCOHOLIC BEVERAGES DIVISION

Alcoholic Beverages Division Annual Report — notification that the report in electronic form is available online.

IOWA LAW ENFORCEMENT ACADEMY

Iowa Law Enforcement Academy Annual Report — notification that the report in electronic form is available online.

DEPARTMENT OF TRANSPORTATION

2002 Annual Report of the Iowa Railway Finance Authority — notification that the report in electronic form is available online.

AGENCY ICN REPORT**BOARD OF REGENTS**

Iowa Communications Network (ICN) Usage for FY 2002, pursuant to Iowa Code section 8D.10.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Patrick L. Dillon, Dubuque — For being inducted into the Dubuque Area Labor Hall of Fame. Senator Connolly (2/11/03).

Nate and Ruby Dvorkin, Sioux City — For celebrating your 60th wedding anniversary on February 6, 2003. Senator Warnstadt (2/11/03).

Joseph S. Griesel, Sioux City — For achieving the rank of Eagle Scout. Senator Warnstadt (2/11/03).

Edward A. Rosenow, Dubuque — For being inducted into the Dubuque Area Labor Hall of Fame. Senator Connolly (2/11/03).

Robert W. Runde, Dubuque — For being inducted into the Dubuque Area Labor Hall of Fame. Senator Connolly (2/11/03).

Megan Srinivas, Fort Dodge — For being named one of Iowa's top student volunteers in the 2003 Prudential Spirit of Community Awards. Senator Beall (2/11/03).

PETITION

The following petition was presented and placed on file:

From residents of Senate District 47 favoring legislation to enact laws establishing protocol for the use of high speed pursuit tactics by law enforcement personnel. Senator Kreiman.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 6, 2003, 3:00 p.m.

Members Present: Miller, Chair; Angelo, Vice Chair; Fraise, Ranking Member; and Kreiman.

Members Absent: Hosch.

Committee Business: Presentation on the 2004 budget and on the Iowa Communications Network.

Adjourned: 3:55 p.m.

JUDICIARY

Convened: February 10, 2003, 2:35 p.m.

Members Present: Redfern, Chair; Larson, Vice Chair; Kreiman, Ranking Member; Boettger, Fraise, Holveck, Horn, Kettering, McCoy, Putney, and Quirnbach.

Members Absent: Lamberti, McKibben, Miller, and Tinsman (all excused).

Committee Business: Subcommittee assignments.

Adjourned: 2:50 p.m.

COMMERCE

Convened: February 11, 2003, 2:05 p.m.

Members Present: Angelo, Chair; Wieck, Vice Chair; Warnstadt, Ranking Member; Beall, Behn, Brunkhorst, Kettering, McCoy, Redfern, Schuerer, Sievers, and Stewart.

Members Absent: Bolkom, Gronstal, and Larson (all excused).

Committee Business: Approved [SSB 1010](#) and presentation by representative of Credit Union Division of the Department of Commerce.

Adjourned: 2:30 p.m.

HUMAN RESOURCES

Convened: February 11, 2003, 1:05 p.m.

Members Present: Veenstra, Chair; Seymour, Vice Chair; Ragan, Ranking Member; Behn, Boettger, Hosch, Kreiman, and McKinley.

Members Absent: Hatch, Holveck, Horn, Schuerer, and Tinsman (all excused).

Committee Business: Presentations by representatives of the Department of Public Health.

Adjourned: 2:05 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 11, 2003, 9:35 a.m.

Members Present: Houser, Chair; Johnson, Vice Chair; Seng, Ranking Member; Black, Bolkcom, Brunkhorst, Dearden, Drake, Holveck, Kettering, Miller, and Wieck.

Members Absent: Kibbie, Lundby, and Zieman (all excused).

Committee Business: Presentation by the Department of Natural Resources regarding fishing issues.

Adjourned: 10:05 a.m.

TRANSPORTATION

Convened: February 11, 2003, 1:05 p.m.

Members Present: Drake, Chair; Putney, Vice Chair; McCoy, Ranking Member; Beall, Dearden, Fraise, Houser, Johnson, Kettering, Rehberg, Shull, Warnstadt, and Zieman.

Members Absent: None.

Committee Business: Presentations by the Department of Transportation and by the Road Use Tax Fund Committee.

Adjourned: 2:00 p.m.

INTRODUCTION OF BILLS

[Senate File 111](#), by Connolly, a bill for an act relating to funding for the arts by providing an Iowa individual income tax checkoff for the arts, making an appropriation, and providing a retroactive applicability date.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

[Senate File 112](#), by Hatch and Larson, a bill for an act relating to the operations of the state board of education, the department of education, school districts, accredited nonpublic schools, and other

state and local agencies with regard to attendance and truancy, academic standards, and related matters.

Read first time under Rule 28 and referred to committee on **Education.**

[Senate File 113](#), by Hatch, Dotzler, Stewart, Ragan, Kreiman, and Holveck, a bill for an act creating an office of science and technology within the department of economic development.

Read first time under Rule 28 and referred to committee on **Economic Growth.**

[Senate File 114](#), by Warnstadt, Seng, Dotzler, Ragan, Bolkcom, Gronstal, Hatch, Stewart, Quirnbach, Beall, and Kreiman, a bill for an act relating to the service standard for issuance of driver's licenses and nonoperator's identification cards by authorizing waivers or refunds of fees.

Read first time under Rule 28 and referred to committee on **Transportation.**

[Senate File 115](#), by Lundby, a bill for an act providing an Iowa individual income tax checkoff for deposit in the free health clinic fund, making an appropriation, and including effective and applicability date provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means.**

[Senate File 116](#), by Rehberg and Hosch, a bill for an act relating to the restoration of dedicated funds used for nondedicated purposes and providing an effective date.

Read first time under Rule 28 and referred to committee on **Appropriations.**

[Senate File 117](#), by Lundby, a bill for an act providing annual purchase or generation requirements for certain electric utilities from alternate energy production facilities, requiring establishment of a

system of alternate energy credit trading, making related changes, and providing an effective date.

Read first time under Rule 28 and referred to committee on **Commerce**.

[Senate File 118](#), by Rehberg, a bill for an act relating to fire fighter preparedness by creating a fire fighter preparedness fund, providing an income tax checkoff for fire fighter preparedness, making an appropriation, and providing a retroactive applicability date.

Read first time under Rule 28 and referred to committee on **Appropriations**.

[Senate File 119](#), by committee on Commerce, a bill for an act relating to real estate appraiser certification.

Read first time under Rule 28 and **placed on calendar**.

STUDY BILLS RECEIVED

[SSB 1065](#) **Agriculture**

Requesting that the United States Congress take all action required to preserve free and private enterprise, prevent monopoly, and protect consumers including by immediately enacting legislation to prohibit livestock packers from owning, controlling, or feeding livestock to such an extent that producers can no longer materially participate in the management of their livestock operations as provided in the Senate bill 27 introduced by the Honorable Senator Charles E. Grassley and cosponsored by the Honorable Tom Harkin and others.

[SSB 1066](#) **Agriculture**

Relating to tax credits and associated refunds for cooperatives engaged in the production of value-added agricultural products, and providing for its applicability.

SSB 1067 State Government

Changing the time for closing precinct polling places.

SSB 1068 Agriculture

Relating to the governance of cooperatives.

SSB 1069 Local Government

Relating to the procedure for reducing the number of members of a city council from five to three in certain cities.

SUBCOMMITTEE ASSIGNMENTS**Senate Resolution 9**

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

Senate File 91

STATE GOVERNMENT: Schuerer, Chair; Johnson and Kibbie

Senate File 92

EDUCATION: Boettger, Chair; Connolly and McKinley

Senate File 94

STATE GOVERNMENT: Kibbie, Chair; Drake and Sievers

Senate File 96

COMMERCE: Larson, Chair; Beall and Schuerer

Senate File 98

LOCAL GOVERNMENT: Gaskill, Chair; Angelo and McCoy

Senate File 99

COMMERCE: Wieck, Chair; McCoy and Redfern

Senate File 104

LOCAL GOVERNMENT: Angelo, Chair; Kreiman and Seymour

[Senate File 107](#)

COMMERCE: Angelo, Chair; Warnstadt and Wieck

[Senate File 108](#)

WAYS AND MEANS: Shull, Chair; Connolly and Hosch

[Senate File 110](#)

TRANSPORTATION: Drake, Chair; McCoy and Putney

[Senate File 117](#)

COMMERCE: Angelo, Chair; Beall, Bolkcom, Brunkhorst, and Larson

[SSB 1065](#)

AGRICULTURE: Johnson, Chair; Ragan and Veenstra

[SSB 1066](#)

AGRICULTURE: Gaskill, Chair; Houser and Kibbie

[SSB 1067](#)

STATE GOVERNMENT: Zieman, Chair; Ragan and Tinsman

[SSB 1068](#)

AGRICULTURE: Putney, Chair; Gaskill and Seng

[SSB 1069](#)

LOCAL GOVERNMENT: Miller, Chair; Seymour and Stewart

COMMITTEE REPORT

COMMERCE

Final Bill Action: [SENATE FILE 119 \(SSB 1010\)](#), a bill for an act relating to real estate appraiser certification.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Angelo, Wieck, Warnstadt, Beall, Behn, Brunkhorst, Kettering, McCoy, Redfern, Schuerer, Sievers, and Stewart. Nays, none. Absent, 3: Bolkcom, Gronstal, and Larson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.